

CHAPTER 1199**SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A COUNSELOR OR THERAPIST***H.F. 2476*

AN ACT relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 614.1, subsection 12, Code Supplement 1991, is amended to read as follows:

12. Sexual abuse or sexual exploitation by a counselor or therapist. An action for damages for injury suffered as a result of sexual abuse, as defined in section 709.1, by a counselor or therapist, as defined in section 709.15, or as a result of sexual exploitation by a counselor or therapist, shall be brought within five years of the date the victim was last treated by the counselor or therapist.

Sec. 2. Section 709.15, subsection 1, paragraph b, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

For the purposes of paragraph "f", a former patient or ~~former~~ client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.

Sec. 3. Section 709.15, subsection 1, paragraph f, Code Supplement 1991, is amended to read as follows:

f. "Sexual abuse exploitation by a counselor or therapist" occurs when either or both any of the following are found:

(1) A pattern or practice or scheme of conduct to engage in any of the conduct described in subparagraph (2) or (3).

(2) Any sexual conduct, with a an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client, which includes but is not limited to the following: kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act as defined in section 702.17.

(3) Any sexual conduct with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client which includes but is not limited to the following: kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act as defined in section 702.17.

"Sexual abuse exploitation by a counselor or therapist" does not include touching which is part of a necessary examination or treatment provided a patient or client by a counselor or therapist acting within the scope of the practice or employment in which the counselor or therapist is engaged.

Sec. 4. Section 709.15, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A counselor or therapist who commits sexual abuse exploitation in violation of subsection 1, paragraph "f", subparagraph (1), commits a class "D" felony.

Sec. 5. Section 709.15, subsection 3, Code Supplement 1991, is amended to read as follows:

3. A counselor or therapist who commits sexual abuse exploitation in violation of subsection 1, paragraph "f", subparagraph (2), commits an aggravated misdemeanor.

Sec. 6. Section 709.15, subsection 4, Code Supplement 1991, is amended to read as follows:

4. A counselor or therapist who commits sexual abuse exploitation in violation of subsection 1, paragraph "f", subparagraph (3), commits a serious misdemeanor. In lieu of the sentence provided for under section 903.1, subsection 1, paragraph "b", the offender may be required to attend a sexual abuser treatment program.

Sec. 7. Section 802.3, Code 1991, is amended to read as follows:

802.3 FELONY — AGGRAVATED OR SERIOUS MISDEMEANOR.

1. In all cases, except those enumerated in subsection 2 and in sections 802.1 and 802.2, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

2. An indictment or information for sexual exploitation by a counselor or therapist under section 709.15 shall be found within five years of the date the victim was last treated by the counselor or therapist.

Approved May 4, 1992

CHAPTER 1200

REPEAL OF SEED CAPITAL TAX CREDIT

H.F. 2478

AN ACT relating to the repeal of the seed capital tax credit and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 422.33, subsection 8, Code Supplement 1991, is amended by striking the subsection.

Sec. 2. Section 422.11C, Code Supplement 1991, is repealed.

Sec. 3. 1990 Iowa Acts, chapter 1196, sections 8 and 9, are repealed.

Sec. 4. Sections 1 and 2 of this Act take effect January 1, 1996, for tax years beginning on or after that date and all credits allowed prior to that date shall continue until their expiration.

Approved May 4, 1992

CHAPTER 1201

PUBLIC RETIREMENT SYSTEMS

H.F. 2450

AN ACT relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 97.51, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Effective July 1, 1992, a person receiving benefits, on or after July 1, 1992, under this chapter, shall receive a monthly increase in benefits of ten dollars per month. A person who becomes eligible for benefits under chapter 97, Code 1950, on or after July 1, 1992, shall receive the ten dollar increase.

There is appropriated annually from the general fund of the state to the Iowa old-age and survivors' insurance liquidation fund from funds not otherwise appropriated an amount sufficient to pay the benefit increases provided in this subsection.